



November 9, 2006

Elleanore Daub
Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

via email

Re: Proposed Use Attainability Analysis for Straight Creek

Dear Ms. Daub:

I am writing to comment on the proposal to conduct a use attainability analysis (UAA) for Straight Creek in Lee County, Virginia. As you know, this is the first UAA proposed to be conducted by a private party pursuant to statutory authority adopted by the Virginia General Assembly earlier this year, now codified at Va. Code § 62.1-44.19:7. As the first such proposal, the Straight Creek UAA proposal should be studied carefully, both as to procedure and substance.

The proponent of the UAA proposal, the Virginia Coalfields TMDL Group, implies that it would be unreasonably expensive to attempt to restore water quality and aquatic life in Straight Creek. Without knowing what measures might be necessary to restore water quality and aquatic life there, we believe it is premature to propose a study that would undercut the viability of such an effort.

We believe it makes little sense to prepare the TMDL implementation plan concurrently with the Use Attainability Analysis that would effectively undercut the implementation plan. Until we know what steps need to be taken to restore water quality and aquatic habitat in Straight Creek, it is impossible to evaluate the economic and social difficulty of achieving that restoration. Only then can we compare the costs and cost-effectiveness of other such restoration efforts across

the Commonwealth, especially any where TDS impairments have been resolved. We suggest the proposed UAA be put on hold until the implementation plan is completed, at which time DEQ staff and the State Water Control Board can properly evaluate the need for agency staff and concerned members of the public to commit time and resources to conducting such further analyses as those proposed by the Virginia Coalfields TMDL Group.

We appreciate your consideration of our comments on this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Parrish". The signature is written in a cursive, slightly slanted style.

Richard A. Parrish
Senior Attorney